



UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE / BRYSON CITY DIVISIONS

IN RE:

Michael Brandon Gearhart
Dana Michell Gearhart

Debtor(s)

Chapter 13

Case No. 11-10744

ORDER AFFECTING PLAN

On **June 18, 2013**, after notice having properly issued, a hearing or trial was held by the Court upon the following cause:

☒ Trustee's Motion to Dismiss, Modify Plan or for Other Appropriate Relief

☐ Other:

As a result of the said proceeding, the Court found these facts:

☐ The debtor(s) failed to appear at the §341 meeting.

☐ The debtor(s) failed to commence payments under §1326(a).

☐ The debtor(s) failed to make payments required by confirmed Ch.13 plan.

☒ Other Findings:

To cure the default, the debtors will resume payments of \$340/mo. beginning July to pay 20% to unsecured creditors. Automatic dismissal for failure to pay July.

Based upon the foregoing findings of fact, the Court concludes the following action is appropriate as a matter of law, and **ORDERS** the following:

☒ The notice of this motion given by the Trustee is approved.

☒ The Trustee's **MOTION TO MODIFY** is allowed.

☒ The plan is **MODIFIED**, as set forth above.

☐ The Trustee's **MOTION TO DISMISS** is ☐ allowed ☐ denied.

☐ The case is **DISMISSED** on the facts found above.

☒ Award of attorneys' fees: **\$200 to Leonard**

☐ The case is **CONVERTED TO CHAPTER 7**.

☐ Other:

IT IS SO ORDERED.

This Order has been signed electronically pursuant to administrative order of the Court.
Effective as of date of entry.

George R. Hodges
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE / BRYSON CITY DIVISION

In re:

Michael Brandon Gearhart
Dana Michell Gearhart
Debtor(s)

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Case No: 11-10744

CERTIFICATE OF SERVICE

The Undersigned, hereby certifies that a copy of the document which is attached was mailed this date to all parties in interest herein as required by the Bankruptcy Code and Rules of Bankruptcy Procedure.

DAVID G. GRAY, Chapter 13 Trustee

Dated: 6/18/13



Chapter 13 Trustee's Office

_____ Order Confirming Plan

_____ Discharge

 X Other – Order Affecting Plan (6/18/13 hrg)

1110744

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GEARHART, DANA MICHELL
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CAPITAL ONE, NA
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CHASE BANK USA, NA
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PRA RECEIVABLES MANAGEMENT, LLC
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3176 OLD JENNINGS ROAD
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CLAY ELECTRIC COOPERATIVE, INC
C/O CHARLES M HEAD III, ACCOUNTING
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